

Remarks:

Applicant has carefully studied the non-final Examiner's Action mailed 06/27/2006, having a shortened statutory period for response set to expire 09/27/2006, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

Claim Rejections – 35 U.S.C. § 112

1. Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph, because “concavity” in claim 3, line 4 should be “convexity” and “concavities” in said claim 3, line 4 should be “convexities.” This ground of rejection is rendered moot by the cancellation of claim 3. However, the subject matter of cancelled claim 3 is recited in new independent claim 10 which includes the limitations of claims 1-3 and which incorporates the corrections of claim 3 as noted by the Office. Applicant has carefully reviewed the specification and all of the pending claims for additional informalities but none were found.

Claim Rejections – 35 USC § 103

2. Applicant acknowledges the quotation of 35 U.S.C. § 103(a).

3. Claims 1, 2, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Denney (D446,895) in view of Garza. Claim 2 is cancelled and thus the rejection as it relates to said claim is moot. Reconsideration and withdrawal of this ground of rejection as it relates to claims 1 and 6 is requested in view of the amendment made to claim 1.

More particularly, Denney does not teach a mop head having a plurality of elongate convexities formed thereupon because the term “convex” means “curved or rounded outward like the exterior of a sphere or circle” according to the definition provided at <http://www.webster.com/dictionary/convex>. Denney teaches a plurality of square protuberances which teach away from convexities. Denney makes no disclosure that his mop head is suitable for cleaning grout concavities such as those found between tiles. His disclosure would have impelled one of ordinary skill away from a cleaning device having convexities as claimed by Applicant. Applicant need not include a limitation that his convexities are rounded because

roundness is inherent in the definition of convex as pointed out above. Nor must Applicant claim that his convexities are continuous, unlike the discontinuous square protuberances of Denney, because such further limitation is not required in view of Denney.

The Office does not rely upon Denney alone but Denney in view of Garza. However, Garza would have impelled one of ordinary skill in the art to modify Denney by adding the rounded tips 5 of Garza to the peripheral edge of Denney, or by deleting the square protuberances of Denney and replacing them with the "extremely abrasive surface" (col. 1, line 54) of Garza, said extremely abrasive surface being denoted 3a in Fig. 4 and having an irregular shape. The clear teaching of Garza is that a sponge should have rounded tips 5 formed in its peripheral edges, and that the top or bottom of the sponge should be covered by the "extremely abrasive surface" having an irregular surface as depicted in Fig. 4 as aforesaid. However, nothing in Garza suggests that the square protuberances of Denney on the bottom surface of Denney should be deleted and replaced by Garza's rounded tips 5 because Garza very strongly teaches that said rounded tips are positioned on the peripheral edges of the tool. Garza does suggest that the square protuberances of Denney could be replaced by the extremely abrasive surface 3a of Garza, having said irregular shape. Fairness to Applicant requires an acknowledgement that Garza clearly teaches away from providing a plurality of elongate, parallel convexities on a sponge as taught only by Applicant and as claimed by Applicant.

4. Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1, and further in view of Boggs. Claims 4 and 5 depend from claim 1 and are therefore allowable as a matter of law upon allowance of claim 1. Applicant acknowledges that Boggs teaches the use of reticulated single cell polyurethane flexible foam, as distinguished from the reticulated polyester as claimed in Applicant's claim 4. Applicant further acknowledges that the range of density in terms of pounds per cubic foot as disclosed by Boggs includes the density claimed by Applicant in claim 5.

5. Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Denney (D446,616) in view of Garza; reconsideration and withdrawal of this ground of rejection is requested in view of the amendment made to claim 7. As currently amended, claim 7 includes the same limitations as claim 1, currently amended, except that the convexities of claim 7 are curvilinear and not longitudinally extending as recited in claim 1. (In the case of claim 1, as in the specification, the limitations "longitudinally extending" and "parallel" clearly mean straight

or linear in configuration). The curvilinear protuberances of Denney '616 are square, just like the linear protuberances of Denney '895. Such square protuberances teach away from the claimed convexities.

6. Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 7, and further in view of Boggs. Claims 8 and 9 are dependent from claim 7, currently amended, and therefore are allowable as a matter of law upon allowance of said claim 7, currently amended.

Allowable Subject Matter

7. Claim 3 is indicated as being in condition for allowance if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 3 is cancelled, but new claim 10 includes the limitations of the base claim (claim 1), claim 3 (cancelled), and all intervening claims (claim 2 (cancelled)) and is therefore allowable.

Conclusion

8. Applicant agrees that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

9. A Notice of Allowance is solicited. If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested. Applicant thanks the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

Dated: August 24, 2006

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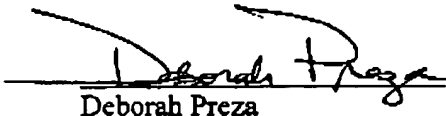
pc: Mr. Mark E. Kirby

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims and Remarks is being transmitted by facsimile to the United States Patent and Trademark Office, Central Fax, Attn: Mark Spisich, (571) 273-8300 on August 24, 2006.

Dated: August 24, 2006


Deborah Preza